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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/558,723	11/30/2005	Scrivas Gutta	US030150	7194
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EXAMINER				
HICKS, CHARLES N				
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2424				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/558,723

**Applicant(s)**

GUTTA, SRINIVAS

**Examiner**

CHARLES N. HICKS

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2005 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dudkiewicz (US 2005/0172318 A1), hereinafter referred to as Dudkiewicz, in view of Ismail (US 20060212900 A1), hereinafter referred to as Ismail, in view of Sull (US 2005/0204385 A1), hereinafter referred to as Sull.

1. Regarding claim 1, Dudkiewicz discloses a method for generating recommendations, the method comprising: entering a newly created preference category as feedback for generating a recommendation (**fig. 11-13, pg. 8, paragraph 84**);

and generating preference information corresponding to the newly created preference category (**fig. 11-13, pg. 8, paragraph 84**).

However Dudkiewicz fails to disclose generating the recommendation based at least in part on the generated preference information. Ismail discloses generating the recommendation based at least in part on the generated preference information (**fig. 1-2, pg. 9, paragraph 126**). Motivation to combine the references is due to the fact that both deal with recommending programming for users based on profiles generated implicitly and explicitly. Therefore the invention would have been obvious to one of ordinary skill in the art at the time of the invention.

Dudkiewicz and Ismail fail to disclose wherein the recommendation is generated for a user by the same apparatus into which the newly created preference category is entered by said user. Sull discloses wherein the recommendation is generated for a user by the same apparatus into which the newly created preference category is entered by said user (**fig. 11-13, pg. 29-30, paragraphs 355-356**). Motivation to combine the references is due to the fact that they require user input in order to determine the data to be subsequent data output to the user. Therefore the invention would have been obvious to one of ordinary skill in the art at the time of the invention to

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combine the inputs by known methods of programming to yield a system that can be locally updated.

2. Regarding claim 2, Ismail discloses the method wherein the generating of the recommendation generates a recommendation for television programs (**fig. 1-2, pg. 4, paragraphs 68-70**).

3. Regarding claim 3, Dudkiewicz discloses the method wherein the generating of the preference information comprises: accessing a remote network (**fig. 1-5, pg. 5-6, paragraph 70**);

and searching the remote network for at least one keyword associated with the newly created preference category (**fig. 7, pg. 6, paragraph 74**).

However Dudkiewicz fails to disclose retrieving at least one video clip and generating the preference information. Ismail discloses retrieving at least one video clip associated with the at least one keyword resulting from the searching (**fig. 23, pg. 12, paragraphs 162-163**);

and generating the preference information from the at least one video clip (**fig. 23, pg. 12, paragraphs 163-168**). Motivation to combine the references is due to the fact that both deal with recommending programming for users based on profiles generated implicitly and explicitly. Therefore the invention would have been obvious to one of ordinary skill in the art at the time of the invention.

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4. Regarding claim 4, Dudkiewicz discloses the method wherein the accessing comprises accessing the Internet **(fig. 1-5, pg. 5-6, paragraph 70)**.
5. Regarding claim 5, Dudkiewicz discloses the method wherein the at least one keyword comprises a title of the newly created preference category **(fig. 7, pg. 6, paragraph 74)**.
6. Regarding claims 6 and 9, Ismail discloses the method wherein the generating of the preference information from the at least one video clip comprises extracting key frames from the at least one video clip **(fig. 43, pg. 21, paragraph 249)**.
7. Regarding claims 7 and 10, Dudkiewicz discloses the method wherein the generating of the recommendation comprises generating a user profile based at least in part on the preference information and generating the recommendation based at least in part on the user profile **(fig. 13-14, pg. 9, paragraphs 92-93)**.
8. Regarding claim 8, Ismail discloses the method wherein the generating of the preference information comprises: uploading at least one video clip associated with the newly created preference category **(fig. 23, pg. 12, paragraphs 162-163)**;  
and generating the preference information from the at least one video clip **(fig. 23, pg. 12, paragraphs 163-168)**.

9. Regarding claim 11, Dudkiewicz discloses an apparatus generating recommendations, the apparatus comprising: a preference category entry system that allows a user to enter a newly created preference category as feedback for generating a recommendation for said user (**fig. 11-13, pg. 8, paragraph 84**);

a preference information generating system that generates preference information corresponding to the newly created preference category (**fig. 11-13, pg. 8, paragraph 84**).

However Dudkiewicz fails to disclose a recommender that generates the recommendation for said user based at least in part on the generated preference information. Ismail discloses a recommender that generates the recommendation for said user based at least in part on the generated preference information (**fig. 1-2, pg. 9, paragraph 126**). Motivation to combine the references is due to the fact that both deal with recommending programming for users based on profiles generated implicitly and explicitly. Therefore the invention would have been obvious to one of ordinary skill in the art at the time of the invention.

Dudkiewicz and Ismail fail to disclose wherein the recommendation is generated for a user by the same apparatus into which the newly created preference category is entered by said user. Sull discloses wherein the recommendation is generated for a user by the same apparatus into which the newly created preference category is entered by said user (**fig. 11-13, pg. 29-30, paragraphs 355-356**). Motivation to combine the references is due to the fact that they require user input in order to determine the data to be subsequent data output to the user. Therefore the invention

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would have been obvious to one of ordinary skill in the art at the time of the invention to combine the inputs by known methods of programming to yield a system that can be locally updated.

10. Regarding claim 12, Dudkiewicz discloses the apparatus wherein the preference information generating system comprises: a modem for accessing a remote network **(fig. 1-5, pg. 5-6, paragraph 70);**

a search system that searches the remote network for at least one keyword associated with the newly created preference category **(fig. 7, pg. 6, paragraph 74).**

However Dudkiewicz fails to disclose a retrieval system that retrieves at least one video clip associated with the at least one keyword resulting from a search performed by the search system. Ismail discloses a retrieval system that retrieves at least one video clip associated with the at least one keyword resulting from a search performed by the search system **(fig. 23, pg. 12, paragraphs 162-163);**

whereby the preference information generating system generates the preference information from the at least one video clip **(fig. 23, pg. 12, paragraphs 163-168).**

Motivation to combine the references is due to the fact that both deal with recommending programming for users based on profiles generated implicitly and explicitly. Therefore the invention would have been obvious to one of ordinary skill in the art at the time of the invention.



11. Regarding claims 13 and 16, Ismail discloses the apparatus wherein the preference information generating system further comprises an extraction system that extracts key frames from the at least one video clip (**fig. 31 and 43, pg. 17, paragraph 209, pg. 21, paragraph 249**).

12. Regarding claims 14 and 17, Dudkiewicz discloses the apparatus wherein the recommender generates a user profile based at least in part on the preference information and generates the recommendation based at least in part on the user profile (**fig. 13-14, pg. 9, paragraphs 92-93**).

Regarding claim 15, Ismail discloses the apparatus of claim 12, wherein the preference information generating system further comprises: a video loading system that uploads at least one video clip associated with the newly created preference category (**fig. 23, pg. 12, paragraphs 162-163**).

13. Regarding claim 18, Dudkiewicz discloses a computer readable medium having stored thereon instructions for generating recommendations comprising machine executable code which when executed by at least one processor, causes the processor to perform steps comprising: entering a newly created preference category as feedback for generating a recommendation (**fig. 11-13, pg. 8, paragraph 84**);

and generating preference information corresponding to the newly created preference category (**fig. 11-13, pg. 8, paragraph 84**).

However Dudkiewicz fails to disclose generating the recommendation based at least in part on the generated preference information. Ismail discloses generating the recommendation based at least in part on the generated preference information (**fig. 1-2, pg. 9, paragraph 126**). Motivation to combine the references is due to the fact that both deal with recommending programming for users based on profiles generated implicitly and explicitly. Therefore the invention would have been obvious to one of ordinary skill in the art at the time of the invention.

Dudkiewicz and Ismail fail to disclose wherein the recommendation is generated for a user by the same apparatus into which the newly created preference category is entered by said user. Sull discloses wherein the recommendation is generated for a user by the same apparatus into which the newly created preference category is entered by said user (**fig. 11-13, pg. 29-30, paragraphs 355-356**). Motivation to combine the references is due to the fact that they require user input in order to determine the data to be subsequent data output. Therefore the invention would have been obvious to one of ordinary skill in the art at the time of the invention.

### ***Conclusion***

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES N. HICKS whose telephone number is (571)270-3010. The examiner can normally be reached on M-F 7:30AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/  
Supervisory Patent Examiner, Art  
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CNH